



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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April 7, 2025

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of all parties in response to the Court’s order dated March 5, 2025 (ECF No. 215), directing the parties to provide a joint status report on the pending issue of attorney’s fees in this matter. The parties also jointly and respectfully request an extension of the briefing deadlines entered by the Court in its March 5 order.

Since the parties’ last report, Defendants have made additional progress with respect to securing approvals of a fully drafted settlement stipulation. Unfortunately, the process is not yet complete, primarily due to Government counsel’s recovery from recent medical procedures and associated complications, and also recurring challenges in contacting agency counsel, who have been reassigned numerous times.

The parties have conferred regarding Defendants’ efforts to work through the conclusion of this process. As previously reported, the parties continue to communicate and work together in good faith to hopefully avert the need to seek the Court’s adjudication of a fees motion, and believe that their current efforts represent the most efficient path to resolution. In light of these circumstances, the parties jointly and respectfully seek an extension of the briefing deadlines currently set by the Court. Due to upcoming obligations and anticipated travel schedules of the parties’ counsel, the parties jointly request that Plaintiffs’ deadline to file a motion for attorneys’ fees be extended from April 10, 2025, to May 28, 2025; and Defendants’ deadline to respond to that motion be reset for June 4, 2025.

The parties thank the Court for its consideration of this matter.

Respectfully,

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Attorney for Defendants

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